



Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Thirty-First Day

Monday Afternoon

March 29, 2021

The invocation was offered by Chaplain Matt Barnes of the Public Servant's Prayer.

The House convened at 1:30 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Lehman.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas <input type="checkbox"/>
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris
Davis	Morrison
Davisson <input type="checkbox"/>	Moseley <input type="checkbox"/>
DeVon	Negele
DeLaney	Nisly
Dvorak	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders
Hamilton	Schaibley
Harris	Shackleford
Hatcher	Slager
Hatfield	Smaltz
Heaton	Smith, V.
Heine	Snow
Hostettler <input type="checkbox"/>	Soliday
Jackson	Speedy
Jacob	Steuerwald
Jeter	
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr
VanNatter
Vermilion
Wesco

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 308: 95 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, March 30, 2021, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 17

The Speaker handed down Senate Concurrent Resolution 17, sponsored by Speaker Huston:

A CONCURRENT RESOLUTION memorializing James C. Clark.

Whereas, Jim Clark passed away on February 14, 2021, at the age of 91 years old;

Whereas, Jim was born on April 13, 1929, in Indianapolis, Indiana, to Alexander and Ida Clark;

Whereas, After graduating from Wabash College in 1951, Jim joined the United States Marine Corps, where he served with honor and distinction in the Korean War in an amphibious tank division, and after being honorably discharged as a Lieutenant, Jim continued to serve as a Captain in the United States Marine Corps Reserve;

Whereas, After graduating from Indiana University Law School in Bloomington in 1957, Jim began a distinguished career in the practice of law at the law firm now known as Clark, Quinn, Moses, Scott & Grahn, and later was elected as a Distinguished Fellow of the Indianapolis Bar Foundation in 1985;

Whereas, Committed to living a life of public service, Jim served in the Indiana House of Representatives from 1962 to 1964, and was honored with three Sagamores of the Wabash from Governors Harold Handley, Matthew Welsh, and Mitch Daniels;

Whereas, Jim was involved in a number of organizations throughout Indianapolis, serving as a past president and member of the Hundred Club and the Columbia Club; a board member of the Indianapolis Metropolitan Police Department Motorcycle Drill Team, Brebeuf Jesuit Preparatory School, and St. Vincent's Hospital Foundation; a past commander and life member of the American Legion Post 34; and a member of the American Business Club, the Antelope Club, the Indianapolis Oldtimers, the 702 Club, and the Scottish Rite;

Whereas, Jim is survived by his wife Claire, his children, Murray, Matt, Cameron, and Heather, his grandchildren, Jimmy, Holly, Bobby, Kate, Megan, Lilly, Adam, Annie, Luke, and Collin, and his great-grandson, Teddy; and

Whereas, Jim Clark will be remembered for his passion for public service, his love of family, and his commitment to the strong Hoosier values of honor, honesty, loyalty, respect for others, and the importance of hard work: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes James C. Clark.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the family of James C. Clark

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 18

The Speaker handed down Senate Concurrent Resolution 18, sponsored by Representative Lauer:

A CONCURRENT RESOLUTION recognizing Columbus Youth Hockey, Inc. ("CYH") for their efforts in developing a successful youth hockey program and congratulating the program's Columbus Icemen ("Icemen") on winning the 2021 Indiana State High School Hockey Association ("ISHSHA") Class 2A championship.

Whereas, The CYH has 116 youth participating in the sport of ice hockey in Columbus, Indiana;

Whereas, The youth of CYH come from Columbus and its surrounding communities to develop hockey skills, athleticism, and sportsmanship while fostering friendships and growing together as teammates;

Whereas, The CYH program fields eight different travel teams, collectively known as the Columbus Flames, for players between the ages of five and fifteen;

Whereas, The Columbus Flames have achieved their own success, including a state championship by the 14U team and a state finals appearance by one of the 10U teams;

Whereas, Many of the players in the CYH program have the goal to play for the Icemen when they reach high school;

Whereas, The 2021 Icemen hockey team consists of teammates Alex Clark, Jacob McMullen, Jack Warble, Cameron Stattenfield, Barrett Mudd, Caleb McGhehey, Evan Federle, Nathan Balasia, William Kushner, Brayson Bennett, Andrew Clark, Joe Neal, John Ferguson, Logan Morris, Ethan Kuniewicz, Blaine Humphrey, Caden Graham, Josh Surette, Tristan Tyner, Dane Weinzapfel, Ben Blanz, and John Merritt;

Whereas, In the state tournament, the Icemen, coached by Isaac Coy, defeated the Carrol Chargers by a score of 4-2, and then proceeded to shut out the Riley Wildcats, 2-0, through smart offense, aggressive defense, and skillful play in the net by the Icemen goalie, and later beat the Leo Lions by a score of 1-0;

Whereas, The Icemen captured the ISHSHA Class 2A championship by defeating the Central Indiana Knights by a score of 4-2, with Andrew Clark, John Ferguson, Joe Neal, and Brayson Bennett each scoring one goal for the Icemen, two assists from Evan Federle, one assist from John Ferguson, and goalie Jacob McMullen stopping 21 of 23 shots; and

Whereas, This victory was the sixth state championship for

the Icemen, the second championship in the last four years, and the seventh state championship in the last eleven seasons: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Columbus Youth Hockey, Inc. for their efforts in developing a successful youth hockey program.

SECTION 2. That the Indiana General Assembly congratulates the Columbus Icemen for winning the 2021 ISHSHA Class 2A championship.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this resolution to each member of the Columbus Icemen hockey team

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 17, 38, 54, 97, 98, 188, 234, 316, 361, 365 and 396.

Engrossed Senate Bill 3

Representative Lindauer called down Engrossed Senate Bill 3 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 3-12)

Mr. Speaker: I move that Engrossed Bill 3 be amended to read as follows:

Page 13, line 19, delete "would be" and insert "is".

Page 13, line 21, delete "service in an in-person setting, a" and insert "service, the".

(Reference is to ESB 3 as printed March 18, 2021.)

LINDAUER

Motion prevailed.

HOUSE MOTION (Amendment 3-10)

Mr. Speaker: I move that Engrossed Senate Bill 3 be amended to read as follows:

Page 2, line 2, reset in roman "for".

Page 2, line 2, after ""telemedicine"" insert ""telehealth"".

Page 2, line 16, delete "service. telehealth activity." and insert "telehealth service".

Page 5, line 7, after "insurer," insert "practitioner,".

Page 5, line 8, after "provider," insert "practitioner,".

Page 5, line 25, delete "Public health services and health" and insert "Health".

Page 9, delete lines 10 through 11.

Page 9, delete line 12, begin a new paragraph and insert:

"(e) An employer may not require a practitioner, by an employment contract, an agreement, a policy, or any other means, to provide a health care service through telehealth if the practitioner believes that providing a health care service through telehealth would:

(1) negatively impact the patient's health; or

(2) result in a lower standard of care than if the health care service was provided in an in-person setting.

(f) Any".

(Reference is to ESB 3 as printed March 18, 2021.)

BARRETT

Motion prevailed.

HOUSE MOTION
(Amendment 3-1)

Mr. Speaker: I move that Engrossed Senate Bill 3 be amended to read as follows:

Page 2, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 4. IC 12-15-5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 22. The office may not use state funds under the Medicaid program to pay for abortifacients or the performance of any abortion.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 3 as printed March 18, 2021.)

JACOB

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 3-6)

Mr. Speaker: I move that Engrossed Senate Bill 3 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-190.2, AS ADDED BY P.L.262-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 190.2. (a) "Task force", for purposes of IC 12-11-15.5, has the meaning set forth in IC 12-11-15.5-1. This subsection expires December 31, 2025.**

(b) This section expires December 31, 2025. "Task force", for purposes of IC 12-15-33.7, has the meaning set forth in IC 12-15-33.7-1."

Page 2, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 5. IC 12-15-33.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 33.7. Medicaid Public Buy In Task Force

Sec. 1. As used in this chapter, "task force" refers to the Medicaid public buy in task force established by section 2 of this chapter.

Sec. 2. (a) The Medicaid public buy in task force is established.

(b) The task force shall consist of the following members:

- (1) The secretary or the secretary's designee.**
- (2) The director of the office of Medicaid policy and planning.**
- (3) Three (3) members appointed by the governor who have knowledge of the need of Indiana residents for insurance coverage.**
- (4) One (1) member of the senate appointed by the president pro tempore of the senate.**
- (5) One (1) member of the senate appointed by the minority leader of the senate.**
- (6) One (1) member of the house of representatives appointed by the speaker of the house of representatives.**
- (7) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.**

Sec. 3. (a) The task force shall do the following:

- (1) Determine the feasibility of implementing a state option for health care coverage that leverages existing health care infrastructure, improves quality of care, and increases and provides stable access to affordable health insurance for Indiana residents, including consideration of the following:**

(A) Feasibility of creating a statewide program to provide health insurance coverage to additional Indiana residents.

(B) Availability of, and access to, federal funding for the plan, including through the use of any Medicaid state plan amendments or Medicaid waivers.

(C) Feasibility of leveraging tax credits currently available to individuals participating in health care exchanges.

(D) Ability to leverage existing state health care infrastructure.

(E) Identification of the targeted population that would be eligible, the number of Indiana residents that would qualify for coverage under the proposal, and any costs for which an eligible individual would be responsible.

(F) Evaluation of provider rates in determining rates that would create incentives for provider participation, quality health care, and network adequacy.

(G) Feasibility of allowing small business employers to participate in the program.

(H) Evaluation of any impact the program would have on the small group health insurance market.

(I) Evaluation of whether the plan should be offered through risk based managed care, fee for service, or any other alternative format.

(J) Any administrative and financial burdens to the state in the implementation of the plan.

(K) Inclusion of health care coverage that complies with PPACA (as defined in IC 27-2-9.1-4).

(2) Prepare the report described in section 4 of this chapter.

(b) The task force shall consult with health insurance experts, consumer advocates, employers, insurers, and health care providers in the performance of the task force's duties.

(c) The office of the secretary shall conduct, or have conducted, actuarial research to identify the potential cost of premiums and cost sharing for participants in a proposed plan.

Sec. 4. (a) Before December 1, 2021, the task force shall submit a written report with the task force's findings under this chapter to the following:

- (1) The governor.**
- (2) The budget committee.**
- (3) The interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4(14).**

(b) The report under subsection (a) must be submitted to the interim study committee described in subsection (a)(3) in an electronic format under IC 5-14-6."

Renumber all SECTIONS consecutively.

(Reference is to ESB 3 as printed March 18, 2021.)

AUSTIN

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 3-4)

Mr. Speaker: I move that Engrossed Senate Bill 3 be amended to read as follows:

Page 3, line 2, after "purposes of" insert "**IC 16-34-1 and**".

Page 3, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 5. IC 16-34-1-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. Telehealth may not be used to provide any abortion, including the writing or filling of a prescription for any purpose that is intended to result in an abortion."**

Renumber all SECTIONS consecutively.
(Reference is to ESB 3 as printed March 18, 2021.)

MAYFIELD

Motion prevailed. The bill was ordered engrossed.

Representative Hostettler, who had been excused, is now present.

Representative Harris, who had been present, is now excused.

Engrossed Senate Bill 204

Representative Young called down Engrossed Senate Bill 204 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 204-1)

Mr. Speaker: I move that Engrossed Senate Bill 204 be amended to read as follows:

Page 10, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 33. IC 16-21-2-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 15.7. (a) Any newborn infant born alive shall be treated as a person under the law, and a certificate of birth shall be issued certifying the child's birth even though the child may subsequently die, in which event a certificate of death shall be issued. Failure to take all reasonable steps, in keeping with good medical practice, to preserve the life and health of the live born newborn infant shall subject the responsible persons to the applicable criminal and civil laws, including:**

- (1) homicide;
- (2) manslaughter;
- (3) wrongful death; and
- (4) medical malpractice.

(b) If a hospital does not have the capability to provide care for the newborn infant, the hospital:

- (1) may not refuse transport of the newborn infant to another hospital with the capacity to provide the needed care; and
- (2) shall arrange for the transport of the newborn infant to the other hospital."

Renumber all SECTIONS consecutively.
(Reference is to ESB 204 as printed March 25, 2021.)

NISLY

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment Senate Bill 204-1 violates House Rule 80. The amendment addresses making health care decisions for someone who cannot speak for themselves. The bill deals with people of different ages, from older people to minors. The amendment deals with people of very young age. Both the bill and the amendment deal with hospital licensure. Both the bill and the amendment deal with birth and delivery of babies.

NISLY
JACOB

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

The question was, Shall the ruling of the Chair be sustained? Roll Call 309: yeas 87, nays 3. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 240

Representative Mayfield called down Engrossed Senate Bill 240 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 240-1)

Mr. Speaker: I move that Engrossed Senate Bill 240 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-162, AS AMENDED BY P.L.212-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 162. (a) "Health care professional", for purposes of IC 16-27-1 and IC 16-27-4, has the meaning set forth in IC 16-27-1-1.**

(b) "Health care professional", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-1.

(c) "Health care professional", for purposes of IC 16-35-12, has the meaning set forth in IC 16-35-12-1.

SECTION 2. IC 16-18-2-235 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 235. "Minor", for purposes of IC 16-35-12 and IC 16-36, means an individual who is less than eighteen (18) years of age."**

Page 4, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 5. IC 16-35-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 12. Prohibited Health Care of Minors

Sec. 1. As used in this chapter, "health care professional" refers to the following:

- (1) A physician licensed under IC 25-22.5.
- (2) A nurse, including an advanced practice registered nurse, licensed under IC 25-23.
- (3) A physician assistant licensed under IC 25-27.5.

Sec. 2. As used in this chapter, "minor" means an individual who is less than eighteen (18) years of age.

Sec. 3. (a) Except as provided in section 5 of this chapter, a health care professional may not provide medical or surgical treatment to a minor with the intent of assisting the minor in physically transitioning to a gender that is inconsistent with the minor's biological sex, by performing or causing to be performed any of the following procedures on the minor:

- (1) Castration.
- (2) Vasectomy.
- (3) Hysterectomy.
- (4) Oophorectomy.
- (5) Metoidioplasty.
- (6) Orchiectomy.
- (7) Penectomy.
- (8) Phalloplasty.
- (9) Urethroplasty.
- (10) Vaginoplasty.
- (11) Mastectomy.
- (12) Lobotomy.
- (13) A surgery to remove a healthy organ or body part.

(b) Any individual who has reasonable cause to know or suspect, based on facts, that a minor has been subjected to a procedure specified in subsection (a) shall report that knowledge or reasonable cause to either:

- (1) the department of child services as child abuse or neglect under IC 31-33-5; or
- (2) the local law enforcement agency.

The immunity provisions set forth in IC 31-33-6 apply to a report made under this subsection.

Sec. 4. (a) Except as provided in section 5 of this chapter, a health care professional may not, with the intent of

assisting the minor in physically transitioning to a gender that is inconsistent with the minor's biological sex, engage in any of the following activities:

- (1) Prescribe, administer, or furnish to the minor a drug to stop or delay puberty.
- (2) Prescribe, administer, or furnish to a female minor testosterone or estrogen-suppressing drugs.
- (3) Prescribe, administer, or furnish to a male minor estrogen or testosterone-suppressing drugs.

(b) Any individual who has reasonable cause to know or suspect, based on facts, that a minor has been subjected to an activity specified in subsection (a) shall report that knowledge or reasonable cause to either:

- (1) the department of child services as child abuse or neglect under IC 31-33-5; or
- (2) the local law enforcement agency.

The immunity provisions set forth in IC 31-33-6 apply to a report made under this subsection.

Sec. 5. The prohibitions in sections 3 and 4 of this chapter do not apply if either of the following apply:

- (1) The minor has a medically verifiable genetic disorder of sex development, including having:
 - (A) both ovarian and testicular tissue; or
 - (B) external biological characteristics that are ambiguous resulting from having a 46,XX karyotype with virilization or 46,XY karyotype with undervirilization.
- (2) The minor has an abnormal sex chromosome structure that has been diagnosed using genetic testing by a physician licensed under IC 25-22.5.

Sec. 6. (a) An individual, or the individual's parent or guardian if the individual is a minor, who has been harmed by a violation of this chapter has a civil cause of action against the health care professional and may bring action in a court with jurisdiction.

(b) An action described in subsection (a) must be commenced not later than twenty (20) years after the date on which the violation is committed, or discovered, or reasonably should have been discovered.

(c) A court may award reasonable attorney's fees, litigation expenses, and costs to a person who prevails in an action under subsection (a).

Sec. 7. (a) A health care professional who violates section 3 of this chapter commits unlawful surgical abuse of a minor, a Level 6 felony.

(b) A health care professional who violates section 4 of this chapter commits unlawful hormonal abuse of a minor, a Class A misdemeanor.

(c) A health professional who violates section 3 or 4 of this chapter commits a separate offense for each prohibited medical procedure or activity performed.

(d) The prosecuting attorney of a criminal prosecution under this chapter shall notify in writing the licensing board regulating the health care professional of a charge under this section against the health care professional. The regulating licensing board may consider disciplinary action against the health care professional as set forth in IC 25-1-9.

(e) If a health care professional is found guilty of or pleads guilty to a violation of this chapter, the court shall notify in writing the licensing board regulating the health care professional of the judgment or plea. The regulating licensing board may consider disciplinary action against the health care professional as set forth in IC 25-1-9."

Page 6, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 9. IC 34-30-2-70.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 70.8. IC 16-35-12-3 and IC 16-35-12-4 (Concerning reporting of child abuse or neglect of a minor through prohibited surgery or activities).**"

Page 7, after line 15, begin a new paragraph and insert:

"SECTION 12. IC 35-52-16-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 23.5. IC 16-35-12-7 defines crimes concerning prohibited health care of a minor.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 240 as printed March 25, 2021.)

JACOB

Representative Dvorak rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 240 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order. The bill was ordered engrossed.

Engrossed Senate Bill 255

Representative Young called down Engrossed Senate Bill 255 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 255-1)

Mr. Speaker: I move that Engrossed Senate Bill 255 be amended to read as follows:

Page 8, after line 25, begin a new paragraph and insert:

"SECTION 8. IC 35-38-9-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13. (a) A person who has been convicted of misdemeanor possession of marijuana, hash oil, hashish, or salvia under IC 35-48-4-11 may petition to expunge any number of prior misdemeanor convictions under IC 35-48-4-11 after December 31, 2021, and before January 1, 2025. A person may petition to expunge a conviction under this section notwithstanding the time limits set forth in sections 2(c) and 3(c) of this chapter.**

(b) A person who petitions to expunge a misdemeanor conviction under IC 35-48-4-11 may also petition to expunge arrest records for that conviction pursuant to section 1 of this chapter.

(c) A petition to expunge under subsection (a) does not otherwise count against the limits on expungement under this chapter. (d) A petition to expunge under subsection (a) is subject to sections 8 and 9 of this chapter.

(e) This section expires January 1, 2025."

(Reference is to ESB 255 as printed March 25, 2021.)

ERRINGTON

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order. The bill was ordered engrossed.

Engrossed Senate Bill 332

Representative Miller called down Engrossed Senate Bill 332 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 332-2)

Mr. Speaker: I move that Engrossed Senate Bill 332 be amended to read as follows:

Page 4, line 20, delete "purposes." and insert "**purposes for not less than ten (10) years after the posting date.**"

(Reference is to ESB 332 as printed March 25, 2021.)

CAMPBELL

Motion prevailed.

HOUSE MOTION
(Amendment 332-3)

Mr. Speaker: I move that Engrossed Senate Bill 332 be amended to read as follows:

Page 3, between lines 36 and 37, begin a new paragraph and

insert:

"Sec. 4. As used in this chapter, "social media" means an Internet web page or any other form of electronic communication through which users create or use online communities to share information.

Sec. 5. For purposes of this chapter, a political subdivision may not designate a social media Internet web site as the political subdivision's official web site. A political subdivision that posts a notice on a social media Internet web site does not satisfy the requirements for a second or subsequent publication of notice as set forth in this chapter."

Page 3, line 37, delete "4." and insert "6."
 Page 4, line 7, delete "5." and insert "7."
 Page 4, line 12, delete "6." and insert "8."
 Page 4, line 21, delete "7" and insert "9".
 Page 4, line 25, delete "7." and insert "9".
 Page 4, line 28, delete "6" and insert "8".
 Page 4, line 30, delete "8" and insert "10". Page
 4, line 33, delete "8." and insert "10".
 Page 4, line 38, delete "9." and insert "11".
 Renumber all SECTIONS consecutively.
 (Reference is to ESB 332 as printed March 25, 2021.)

CAMPBELL

Motion prevailed. The bill was ordered engrossed.

Representative Hostettler, who had been present, is now excused.

Engrossed Senate Bill 336

Representative Speedy called down Engrossed Senate Bill 336 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 336-1)

Mr. Speaker: I move that Engrossed Senate Bill 336 be amended to read as follows:

Page 4, after line 7, begin a new paragraph and insert:
"SECTION 3. IC 6-3-2-1, AS AMENDED BY P.L.212-2018(ss), SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Each taxable year, a tax at the following rate of adjusted gross income is imposed upon the adjusted gross income of every resident person, and on that part of the adjusted gross income derived from sources within Indiana of every nonresident person:

- (1) For taxable years beginning before January 1, 2015, three and four-tenths percent (3.4%).
- (2) For taxable years beginning after December 31, 2014, and before January 1, 2017, three and three-tenths percent (3.3%).
- (3) For taxable years beginning after December 31, 2016, three and twenty-three hundredths percent (3.23%).

(b) Except as provided in section 1.5 of this chapter (before its expiration), each taxable year, a tax at the following rate of adjusted gross income is imposed on that part of the adjusted gross income derived from sources within Indiana of every corporation:

- (1) Before July 1, 2012, eight and five-tenths percent (8.5%).
- (2) After June 30, 2012, and before July 1, 2013, eight percent (8.0%).
- (3) After June 30, 2013, and before July 1, 2014, seven and five-tenths percent (7.5%).
- (4) After June 30, 2014, and before July 1, 2015, seven percent (7.0%).
- (5) After June 30, 2015, and before July 1, 2016, six and five-tenths percent (6.5%).
- (6) After June 30, 2016, and before July 1, 2017, six and twenty-five hundredths percent (6.25%).
- (7) After June 30, 2017, and before July 1, 2018, six

percent (6.0%).

(8) After June 30, 2018, and before July 1, 2019, five and seventy-five hundredths percent (5.75%).

(9) After June 30, 2019, and before July 1, 2020, five and five-tenths percent (5.5%).

(10) After June 30, 2020, and before July 1, 2021, five and twenty-five hundredths percent (5.25%).

~~(11) After June 30, 2021, four and nine-tenths percent (4.9%).~~

(c) If for any taxable year a taxpayer is subject to different tax rates under subsection (b), the taxpayer's tax rate for that taxable year is the rate determined in the last STEP of the following STEPS:

STEP ONE: Multiply the number of days in the taxpayer's taxable year that precede the day the rate changed by the rate in effect before the rate change.

STEP TWO: Multiply the number of days in the taxpayer's taxable year that follow the day before the rate changed by the rate in effect after the rate change.

STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by the number of days in the taxpayer's tax period.

However, the rate determined under this subsection shall be rounded to the nearest one-hundredth of one percent (0.01%).

SECTION 4. IC 6-5.5-2-1, AS AMENDED BY P.L.80-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) There is imposed on each taxpayer a franchise tax measured by the taxpayer's apportioned income for the privilege of exercising its franchise or the corporate privilege of transacting the business of a financial institution in Indiana. The amount of the tax for a taxable year shall be determined by multiplying the applicable rate under subsection (b) times the remainder of:

- (1) the taxpayer's apportioned income; minus
- (2) the taxpayer's deductible Indiana net operating losses as determined under this section; minus
- (3) the taxpayer's net capital losses minus the taxpayer's net capital gains computed under the Internal Revenue Code for each taxable year or part of a taxable year beginning after December 31, 1989, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

A net capital loss for a taxable year is a net capital loss carryover to each of the five (5) taxable years that follow the taxable year in which the loss occurred.

(b) The following are the applicable tax rates to be used under subsection (a):

- (1) For taxable years beginning before January 1, 2014, eight and five-tenths percent (8.5%).
- (2) For taxable years beginning after December 31, 2013, and before January 1, 2015, eight percent (8.0%).
- (3) For taxable years beginning after December 31, 2014, and before January 1, 2016, seven and five-tenths percent (7.5%).
- (4) For taxable years beginning after December 31, 2015, and before January 1, 2017, seven percent (7.0%).
- (5) For taxable years beginning after December 31, 2016, and before January 1, 2019, six and five-tenths percent (6.5%).
- (6) For taxable years beginning after December 31, 2018, and before January 1, 2020, six and twenty-five hundredths percent (6.25%).
- (7) For taxable years beginning after December 31, 2019, and before January 1, 2021, six percent (6.0%).
- (8) For taxable years beginning after December 31, 2020, and before January 1, 2022, five and five-tenths percent (5.5%).
- ~~(9) For taxable years beginning after December 31, 2021, and before January 1, 2023, five percent (5.0%).~~
- ~~(10) For taxable years beginning after December 31, 2022,~~

~~four and nine-tenths percent (4.9%)-~~

(c) The amount of net operating losses deductible under subsection (a) is an amount equal to the net operating losses computed under the Internal Revenue Code, adjusted for the items set forth in IC 6-5.5-1-2, that are:

- (1) incurred in each taxable year, or part of a year, beginning after December 31, 1989; and
- (2) attributable to Indiana.

(d) The following apply to determining the amount of net operating losses that may be deducted under subsection (a):

- (1) The amount of net operating losses that is attributable to Indiana is the taxpayer's total net operating losses under the Internal Revenue Code for the taxable year of the loss, adjusted for the items set forth in IC 6-5.5-1-2, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.
- (2) A net operating loss for any taxable year is a net operating loss carryover to each of the fifteen (15) taxable years that follow the taxable year in which the loss occurred.

(e) The following provisions apply to a combined return computing the tax on the basis of the income of the unitary group when the return is filed for more than one (1) taxpayer member of the unitary group for any taxable year:

- (1) Any net capital loss or net operating loss attributable to Indiana in the combined return shall be prorated between each taxpayer member of the unitary group by the quotient of:

(A) the receipts of that taxpayer member attributable to Indiana under section 4 of this chapter; divided by

(B) the receipts of all taxpayer members of the unitary group attributable to Indiana.

- (2) The net capital loss or net operating loss for that year, if any, to be carried forward to any subsequent year shall be limited to the capital gains or apportioned income for the subsequent year of that taxpayer, determined by the same receipts formula set out in subdivision (1).

SECTION 5. An emergency is declared for this act."

(Reference is to ESB 336 as printed March 25, 2021.)

PORTER

Upon request of Representatives Eberhart and Karickhoff, the Speaker ordered the roll of the House to be called. Roll Call 310: yeas 23, nays 66. Motion failed. The bill was ordered engrossed.

Representative Hatfield who had been present, is now excused.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 59

Representative Vermilion called down Engrossed Senate Bill 59 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 311: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 68

Representative Jordan called down Engrossed Senate Bill 68 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 312: yeas 86, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 169

Representative Vermilion called down Engrossed Senate Bill 169 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 313: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 218

Representative Pressel called down Engrossed Senate Bill 218 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 314: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 345

Representative Lehman called down Engrossed Senate Bill 345 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 315: yeas 90, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 346

Representative Carbaugh called down Engrossed Senate Bill 346 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 316: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 386

Representative Soliday called down Engrossed Senate Bill 386 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 317: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 398

Representative Wesco called down Engrossed Senate Bill 398 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 318: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1127.

STEUERWALD

Roll Call 319: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1238.

HEINE

Roll Call 320: yeas 89, nays 2. Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 2.

Page 2, after line 22, begin a new paragraph and insert:

"SECTION 2. IC 7.1-3-27-6, AS AMENDED BY P.L.285-2019, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) A holder of an artisan distiller's permit may also hold:

(1) one (1) or more farm winery permits; or

(2) one (1) or more brewer's permits issued under IC 7.1-3-2-2(b). or

(3) ~~one (1) or more distiller's permit under IC 7.1-3-7.~~

(b) A holder of an artisan distiller's permit may hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant.

(c) **A holder of an artisan distiller's permit may also hold a distiller's permit under IC 7.1-3-7.**

SECTION 3. IC 7.1-3-27-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) **This section applies only to the holder of an artisan distiller's permit that also holds an interest in a distiller's permit under IC 7.1-3-7.**

(b) **Subject to the requirements in subsections (c) and (d), a holder of an artisan distiller's permit that also holds an interest in a distiller's permit may manufacture and bottle liquor on the same equipment on the premises of the artisan distillery.**

(c) **A holder must store liquor manufactured or bottled under subsection (b) under an artisan distiller's permit in an area separate and distinct at all times from the liquor manufactured under a distiller's permit.**

(d) **The manufacture, bottling, and storage of liquor**

under this section must conform with federal laws, rules, and regulations."

Renumber all SECTIONS consecutively.

(Reference is to SB 144 as printed February 19, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 175, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-3-16.5, AS AMENDED BY P.L.285-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16.5. The term "entertainment complex" means a premises that complies with one (1) or more of the following requirements:

(1) The premises:

(A) is a site for the performance of musical, theatrical, or other entertainment; and

(B) includes an area where at least ~~eight~~ **six** hundred ~~(800)~~ **(600)** individuals may be seated at one (1) time in permanent seating.

(2) The premises:

(A) is located entirely within a ~~one (1)~~ **two (2)** mile radius of the center of a consolidated city;

(B) is used by a nonprofit organization primarily **as a fine arts theater or** for the professional performance of musical or theatrical entertainment; and

(C) has audience seating in one (1) or more performance spaces for at least two hundred (200) individuals.

SECTION 2. IC 7.1-1-3-16.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16.7. The term "flavored malt beverage" means an alcoholic beverage that has all of the following attributes:

(1) The alcoholic beverage is made from a malt beverage base that is flavored with aromatic essences or other flavorings in quantities and proportions that result in a product that possesses a character and flavor distinctive from the malt beverage base and is distinguishable from other malt beverages.

(2) The label, packaging, container, and any advertising or depiction of the alcoholic beverage disseminated, broadcast, or available in Indiana do not contain any of the following words, or a derivative, version, or non-English translation of the following words:

(A) Beer.

(B) Lager.

(C) Pilsner.

(D) Stout.

(E) Porter.

(F) Ale.

(G) Cider.

(H) Framboise.

(I) Lambic.

(J) Draft.

(K) Liquor.

(L) Bitter.

(M) Brew.

However, the label and packaging may contain in only one (1) location the words "flavored beer" placed adjacent to each other in type not to exceed two (2) millimeters in height.

~~(3) The alcoholic beverage is not distributed in aluminum or other metal containers.~~

~~(4) (3) The alcoholic beverage creates no foam that gives the appearance of beer when the alcoholic beverage is poured from its container.~~

SECTION 3. IC 7.1-3-1-5.5, AS AMENDED BY P.L.10-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.5. (a) This section applies only in a county having a consolidated city.

(b) As used in this section, "contiguous property owner" refers to a property owner who has real property that is geographically adjacent to or in contact with any point on the border of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(c) As used in this section, "neighboring property owner" means:

- (1) a contiguous property owner; or
- (2) a property owner who has real property that:
 - (A) is geographically adjacent to or in contact with any point on the border of the property of a contiguous property owner; and
 - (B) some portion of which is within five hundred (500) feet of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(d) As used in this section, "principal owner" means any person or entity holding at least a fifteen percent (15%) interest in the business for which a permit is sought to sell alcoholic beverages.

(e) As used in this section, "property owner" means any person whose name and address appears in the county assessor's real property tax assessment records as a person responsible for the payment of property taxes on a parcel of real property.

(f) Except as provided in section 28(d) of this chapter, subsection (g) applies to a location in the consolidated city only if (1) the application is for a liquor dealer's permit for a location within the boundaries of the special fire service district, as determined in conformity with IC 7.1-3-22-8; or (2) the local alcoholic beverage board requires the applicant to comply with subsection (g).

(g) In addition to the notice required by section 5 of this chapter, the applicant for a new permit, or a transfer of a permit to sell alcoholic beverages of any type or at any location must, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense to the following:

- (1) Each neighboring property owner.
- (2) The department of metropolitan development of the consolidated city.
- (3) The following entities that have registered with the department of metropolitan development of the consolidated city:
 - (A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.
 - (B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's property.
 - (C) Each neighborhood association that represents the area in which the applicant's property is located.

(h) The notice that the applicant mails must provide the following information:

- (1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.

(6) That if there is a desire to remonstrate against the application, the recipient of the notice may attend this public hearing.

(i) The applicant shall furnish evidence of the applicant's compliance with this section by filing an affidavit with the local alcoholic beverage board at the public hearing on the application. The affidavit must list the names and addresses of the individuals or other entities to which notice was mailed by the applicant.

(j) In addition to the information required by subsection (i), the applicant shall file with the local alcoholic beverage board at the public hearing the following information:

(1) Verification from a department of the consolidated city designated by ordinance that the applicant is in compliance with zoning requirements for the premises to be licensed.

(2) Verification from the department of state revenue that the applicant does not have any outstanding income tax, excise tax, or sales tax liabilities.

(3) Verification from the county treasurer that the applicant does not have any outstanding property tax liability.

(k) Subsection (j)(1) does not apply to a permit holder that received and held a permit before September 1, 1987.

(l) Notwithstanding subsection (f)(1), an applicant seeking a transfer of a permit from a permit holder to a new permit holder when the new permit holder does not intend to change the nature of the business operated under the permit may apply to the local board for a waiver of the notice requirement in subsection (g). The local board may consider any information the local board considers relevant in making a determination to approve or deny the waiver request. The local board must approve or deny a waiver request at the first regularly scheduled meeting that occurs at least fifteen (15) days after the local board receives the waiver request from the applicant.

(m) Upon written request, the local board must provide to an individual by electronic mail a copy of the local board monthly hearing schedule. After an individual first requests the monthly hearing schedule, the local board must provide that individual with all subsequent monthly hearing schedules, unless the individual requests to no longer receive the monthly schedules. The hearing schedule must be provided to the requesting individual not later than twenty-four (24) hours after the schedule is posted.

SECTION 4. IC 7.1-3-1-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. **(a) This section applies to a permittee that sells and delivers alcoholic beverages to a consumer's residence, regardless of whether the delivery is made by the permittee, permittee's employees, or (if allowed under the permittee's permit) a third party delivery service.**

(b) A person delivering alcoholic beverages to a customer's residence must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

SECTION 5. IC 7.1-3-2-7, AS AMENDED BY P.L.285-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may do the following:
 - (A) Sell and deliver a total of not more than thirty thousand (30,000) barrels of beer in a calendar year to a person holding a retailer or a dealer permit under this title. The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.
 - (B) Be the proprietor of a restaurant that is not subject to the minimum gross food sales or the minimum projected food sales set forth in 905 IAC 1-41-2.
 - (C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).
 - (D) Transfer beer directly from the brewery to the restaurant by means of:
 - (i) bulk containers; or
 - (ii) a continuous flow system.
 - (E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.
 - (F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.
 - (G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must make food available for consumption on the premises. A brewer may comply with the requirements of this clause by doing any of the following:
 - (i) Allowing a vehicle of transportation that is a food establishment (as defined in IC 16-18-2-137) to serve food near the brewer's licensed premises.
 - (ii) Placing menus in the brewer's premises of restaurants that will deliver food to the brewery.
 - (iii) Providing food prepared at the brewery.
 - (H) Sell and deliver beer to a consumer at the **permit licensed** premises of the brewer or at the residence of the consumer. **Notwithstanding IC 7.1-1-3-20, the licensed premises may include the brewery parking lot or an area adjacent to the brewery that may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer subject to section 10 of this chapter, and may not be used for point of sale purposes or any other purpose.** The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.
 - (I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.
 - (J) With the approval of the commission, participate:
 - (i) individually; or
 - (ii) with other permit holders under this chapter, holders of artisan distiller's permits, holders of farm

winery permits, or any combination of holders described in this item;

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. All of the permit holders may occupy the same tent, structure, or building. The commission may not grant to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

- (K) Store or condition beer in a secure building that is:
 - (i) separate from the brewery; and
 - (ii) owned or leased by the permit holder.

(L) Transfer beer from a building described in clause (K) back to the brewery.

(M) A brewer may not sell or transfer beer directly to a permittee or consumer beer wholesaler from a building described in this clause (K), but may not sell or transfer beer from the building to any other permittee or a consumer. The brewer shall maintain an adequate written record of the beer transferred:

- (i) between the brewery and the separate building; and**

- (ii) from the separate building to the wholesaler.**

~~(N)~~ (N) Sell the brewery's beer to the holder of a supplemental caterer's permit issued under IC 7.1-3-9.5 for on-premises consumption only at an event that is held outdoors on property that is contiguous to the brewery as approved by the commission.

~~(O)~~ (O) Receive liquor from the holder of a distiller's permit issued under IC 7.1-3-7 or the holder of an artisan distiller's permit under IC 7.1-3-27 that is located in the same county as the brewery for the purpose of carbonating and canning the liquor. Upon the completion of canning of the liquor, the product must be returned to the original production facility within forty-eight (48) hours. The activity under this clause is not an interest under IC 7.1-5-9.

(6) If the brewer's brewery manufactures more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:

- (A) is located in the same county as the brewer's brewery;
- (B) manufactures less than ninety thousand (90,000) barrels of beer in a calendar year; and
- (C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Provide complimentary samples of beer that are:

- (A) produced by the brewer; and
- (B) offered to consumers for consumption on the brewer's premises.

(8) Own a portion of the corporate stock of a sports corporation that:

- (A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
- (B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.

(9) For beer described in IC 7.1-1-2-3(a)(4):

- (A) may allow transportation to and consumption of the beer on the licensed premises; and
- (B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 6. IC 7.1-3-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 10. (a) This section applies to a permittee that conveys alcoholic beverages to a customer in a parking lot or an area adjacent to the**

brewery as provided under section 7(5)(H) of this chapter.

(b) Alcoholic beverages must be:

- (1) in sealed containers; and
- (2) placed by an employee of the permittee who is at least twenty-one (21) years of age:
 - (A) in the trunk of the motor vehicle; or
 - (B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

(c) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(d) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

- (1) well lit; and
- (2) within clear view of the main entrance of the brewery building premises.

SECTION 7. IC 7.1-3-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The holder of a beer retailer's permit shall be entitled to purchase beer for sale under his permit only from a permittee entitled to sell to him under this title. A beer retailer shall be entitled to possess beer and sell it at retail to a customer for consumption on the licensed premises. A beer retailer also shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A beer retailer shall not be entitled to sell beer at wholesale. He shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall he be entitled to sell beer at a place other than the licensed premises. However, a beer retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A beer retailer shall be entitled to sell and deliver warm or cold beer for carry out, or for at-home delivery, in barrels or other commercial containers in a quantity that does not exceed fifteen and one-half (15 1/2) gallons at any one (1) time. A beer retailer that delivers beer to a customer's residence must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(d) Notwithstanding IC 7.1-1-3-20, the licensed premises of the beer retailer may include the beer retailer parking lot or an area adjacent to the beer retailer that may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer, and may not be used for point of sale purposes or any other purpose. Any alcoholic beverages conveyed to the customer must be:

- (1) in the sealed original containers and placed in a bag that is stamped, printed, or labeled on the outside: "CONTAINS ALCOHOLIC BEVERAGES"; and
- (2) placed by an employee of the permittee who is at least twenty-one (21) years of age:
 - (A) in the trunk of the motor vehicle; or
 - (B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

A retailer permittee may only convey a customer's order of alcoholic beverages to the customer, if the customer has also purchased a meal from the retailer permittee that is conveyed to the customer at the same time as the alcoholic beverages.

(e) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(f) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

- (1) well lit; and
- (2) within clear view of the main entrance to the building of the retailer premises.

SECTION 8. IC 7.1-3-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The holder of a liquor retailer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to him under this title. A liquor retailer shall be entitled to possess liquor and sell it at retail to a customer for consumption on the licensed premises. A liquor retailer also shall be entitled to sell liquor to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A liquor retailer shall not be entitled to sell liquor at wholesale. He shall not be entitled to sell and deliver liquor on the street or at the curb outside the licensed premises, nor shall he be entitled to sell liquor at a place other than the licensed premises. However, a liquor retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A liquor retailer shall not be entitled to sell and deliver liquor for carry out, or for at-home delivery, in a quantity that exceeds four (4) quarts at any one (1) time. **A liquor retailer that delivers liquor to a customer's residence must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.**

(d) Notwithstanding IC 7.1-1-3-20, the licensed premises of the liquor retailer may include the liquor retailer parking lot or an area adjacent to the liquor retailer that may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer, and may not be used for point of sale purposes or any other purpose. Any alcoholic beverages conveyed to the customer must be:

- (1) in the sealed original containers and placed in a bag that is stamped, printed, or labeled on the outside: "CONTAINS ALCOHOLIC BEVERAGES"; and
- (2) placed by an employee of the permittee who is at least twenty-one (21) years of age:
 - (A) in the trunk of the motor vehicle; or
 - (B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

A retailer permittee may only convey a customer's order of alcoholic beverages to the customer, if the customer has also purchased a meal from the retailer permittee that is conveyed to the customer at the same time as the alcoholic beverages.

(e) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(f) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

- (1) well lit; and
- (2) within clear view of the main entrance to the building of the retailer premises.

SECTION 9. IC 7.1-3-9-12, AS AMENDED BY P.L.1-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to:

- (1) the holder of a three-way permit that is issued to a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in IC 7.1-3-1-14(d)(2), or a convention center; or
- (2) the holder of a catering permit while catering alcoholic beverages at a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in IC 7.1-3-1-14(d)(2), or a convention center.

(b) As used in this section, "grab and go store" means an area in a building or facility referred to in subsection (a) that satisfies all of the following:

- (1) The area customarily offers food, alcoholic

beverages, nonalcoholic beverages, and other items for sale.

(2) The area is:

(A) within a tract that contains a premises that is described in IC 7.1-3-1-14(d)(2);

(B) in close proximity or adjacent to the concourse of or within the building or facility; or

(C) within a restricted access club area of or within the building or facility.

(3) The area is:

(A) delineated by nonpermanent stanchions or some other barrier providing for clear entrance and exit points; and

(B) indicated on the floor plan approved by the commission.

(4) The area is accessible only by persons who possess a ticket to an event held in the building or facility.

The term does not include a suite, restaurant, lounge, or concession area, even if access to the suite, restaurant, lounge, or concession area is limited to certain ticket holders. However, a grab and go store may operate within a restricted access club area that is in close proximity, adjacent to, or within a restaurant or lounge.

(b) (c) As used in this section, "suite" means an area in a building or facility referred to in subsection (a) that:

(1) is not accessible to the general public;

(2) has accommodations for not more than seventy-five (75) persons per suite; and

(3) is accessible only to persons who possess a ticket:

(A) to an event in a building or facility referred to in subsection (a); and

(B) that entitles the person to occupy the area while viewing the event described in clause (A).

The term does not include a restaurant, lounge, or concession area, even if access to the restaurant, lounge, or concession area is limited to certain ticket holders.

(d) A permittee may allow the self-service of individual servings of alcoholic beverages in a suite or grab and go store.

(e) A person who:

(1) possesses a ticket described in subsection (b)(3) (b)(4) or (c)(3); and

(2) is at least twenty-one (21) years of age;

may obtain an alcoholic beverage in a suite or grab and go store by self-service.

(f) A permittee may do any of the following:

(1) Demand that a person occupying a suite provide:

(A) a written statement under IC 7.1-5-7-4; and or

(B) identification indicating that the person is at least twenty-one (21) years of age.

(2) Supervise the self-service of alcoholic beverages in the suite.

(3) Have an employee in the suite who has a valid server certificate under IC 7.1-3-1.5 and holds an employee permit under IC 7.1-3-18-9 to serve some or all of the alcoholic beverages.

(g) In a grab and go store, a permittee shall do the following:

(1) Require a purchaser to provide proof of age in accordance with IC 7.1-5-10-23.

(2) Ensure all employees are at least twenty-one (21) years of age.

(3) Have employees supervise the self-service of alcoholic beverages.

(4) Have an employee present during the store's business hours who has a valid server certificate under IC 7.1-3-1.5 and holds an employee permit under IC 7.1-3-18-9 to sell alcoholic beverages to ensure compliance with this title, including compliance with IC 7.1-5-7-8 and IC 7.1-5-10-15.

(5) Sell a purchaser not more than two (2) servings of

alcoholic beverages at one (1) time.

SECTION 10. IC 7.1-3-9.5-3, AS AMENDED BY P.L.285-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The holder of a supplemental caterer's permit is entitled to purchase alcoholic beverages only from:

(1) a brewery as described in ~~IC 7.1-3-2-7(5)(L);~~ IC 7.1-3-2-7(5)(N);

(2) a farm winery as described in IC 7.1-3-12-5(a)(12); and

(3) any other permittee entitled to sell to the holder under this title.

Except as provided in IC 7.1-3-6.1, and IC 7.1-3-6.2, the holder of a supplemental caterer's permit is entitled to sell alcoholic beverages only for on-premises consumption at those locations approved by the commission and at times lawful under the holder's retailers' permits. Except as provided, IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a supplemental caterer's permit is not entitled to sell alcoholic beverages at wholesale, nor for carry-out or at-home delivery.

(b) If permitted by the state fair commission under IC 7.1-3-21-14, a brewery under IC 7.1-3-2-7(5), a farm winery under IC 7.1-3-12, or an artisan distillery under IC 7.1-3-27 may sell their own products to consumers for consumption off the state fair grounds under IC 7.1-3-21-14(b)(3), including at a location on the property of the state fair grounds for which a supplemental caterer's permit has been approved.

SECTION 11. IC 7.1-3-12-5, AS AMENDED BY P.L.285-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The following apply to the holder of a farm winery permit:

(1) A holder is entitled to manufacture wine and to ~~bottle~~ place wine produced by the permit holder's farm winery in bottles or other permissible containers.

(2) A holder is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises, as approved by the commission if each employee who serves wine on the licensed premises:

(A) holds an employee's permit under IC 7.1-3-18-9; and

(B) completes a server training program approved by the commission.

(3) A holder is entitled to sell the winery's wine on the licensed premises to consumers either by:

(A) the glass;

(B) the bottle;

(C) a box that contains a bag designed for storing and dispensing wine; or

(D) any combination of receptacles listed in clauses (A) through (C); or

(E) any other container permissible under federal law.

Notwithstanding IC 7.1-1-3-20, the licensed premises may include the farm winery parking lot or an area adjacent to the farm winery. The parking lot or an adjacent area may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer subject to section 5.5 of this chapter, and may not be used for point of sale purposes or any other purpose.

(4) A holder is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis.

(5) A holder is entitled to sell wine by:

(A) the bottle;

(B) the can;

(C) a box that contains a bag designed for storing and dispensing wine;

(D) bulk container;

- ~~(D)~~ (E) the case; or
~~(E)~~ (F) any combination of receptacles listed in clauses (A) through ~~(D)~~; (E);
 to a person who is the holder of a permit to sell wine at wholesale.
- (6) A holder is exempt from the provisions of IC 7.1-3-14.
- (7) A holder is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery.
- (8) A holder for wine described in IC 7.1-1-2-3(a)(4):
 (A) may allow transportation to and consumption of the wine on the licensed premises; and
 (B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises.
- (9) A holder is entitled to purchase and sell bulk wine as set forth in this chapter.
- (10) A holder is entitled to sell wine as authorized by this section for carryout on Sunday.
- (11) A holder is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.
- (12) A holder is entitled to sell the farm winery's wine to the holder of a supplemental caterer's permit issued under IC 7.1-3-9.5 for on-premises consumption only at an event that is held outdoors on property that is contiguous to the farm winery as approved by the commission.
- (13) A holder is entitled to be the proprietor of a restaurant that is not subject to the minimum gross food sales or the minimum projected food sales set forth in 905 IAC 1-41-2 and the gross retail income requirements to sell carryout under IC 7.1-3-20-9.5. A holder is entitled to conduct the following activities:
 (A) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant.
 (B) Transfer wine directly from the farm winery to a restaurant that the farm winery has an interest in by means of:
 (i) bottles **or** cans;
 (ii) bulk containers; or
 (iii) a continuous flow system.
 (C) Install a window between the farm winery and an adjacent restaurant that allows the public and the holder of the permit to view both premises.
 (D) Install a doorway or other opening between the farm winery and an adjacent restaurant that provides the public and the holder of the permit with access to both the farm winery and restaurant.
- (14) A holder that:
 (A) does not distribute through an Indiana wine wholesaler is entitled under the farm winery permit to sell and deliver to a person holding a wine retailer or wine dealer permit under this title:
 (i) a total of not more than one thousand (1,000) gallons of the farm winery's wine in a calendar year, if the farm winery has taken not more than five thousand (5,000) gallons out of bond the previous calendar year;
 (ii) a total of not more than two thousand (2,000) gallons of the farm winery's wine in a calendar year, if the farm winery has taken more than five thousand (5,000) gallons out of bond and not more than ten thousand (10,000) gallons out of bond the previous calendar year; or
 (iii) a total of not more than three thousand (3,000) gallons of the farm winery's wine in a calendar year, if the farm winery has taken more than ten thousand (10,000) gallons out of bond and not more than fifteen thousand (15,000) gallons out of bond the previous calendar year;
 or

(B) distributes through an Indiana wine wholesaler is entitled under the farm winery permit to sell and deliver to a person holding a wine retailer or wine dealer permit under this title the greater of:

- (i) one thousand (1,000) gallons; or
 (ii) fifty percent (50%) of the amount the permit holder distributed through an Indiana wholesaler the previous calendar year, not to exceed three thousand (3,000) gallons.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for ~~the~~ manufacturing wine or ~~botting of~~ placing wine in bottles or containers.

(c) A farm winery may transfer wine from a storage facility or an additional location described in subsection (b). A farm winery may sell or transfer wine directly to a wine wholesaler from a storage facility separate from the farm winery or an additional location described in subsection (b). A farm winery may not sell or transfer wine from a storage facility to any other permittee or a consumer. The farm winery shall maintain an adequate written record of wine transferred:

- (1) between the farm winery and the storage facility; and
 (2) from the storage facility to the wholesaler.

~~(c)~~ (d) With the approval of the commission, a holder of a permit under this chapter may:

- (1) individually; or
 (2) with other permit holders under this chapter, holders of artisan distiller's permits, holders of brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this subdivision;

participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. All of the permit holders may occupy the same tent, structure, or building. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than forty-five (45) days in a calendar year.

SECTION 12. IC 7.1-3-12-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5.5. (a) This section applies to a farm winery that conveys alcoholic beverages to a customer in a parking lot or an area adjacent to the farm winery as provided under section 5 of this chapter.**

(b) Wine must be:

- (1) in the sealed original containers; and
 (2) placed by an employee of the permittee who is at least twenty-one (21) years of age:
 (A) in the trunk of the motor vehicle; or
 (B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

(c) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(d) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

- (1) well lit; and
 (2) within clear view of the main entrance to the building of the farm winery premises.

SECTION 13. IC 7.1-3-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a)** The holder of a wine retailer's permit is entitled to purchase wine only from a permittee entitled to sell to the wine retailer under this title. A wine retailer is entitled to possess wine and sell it at retail to a customer for consumption on the licensed premises.

A wine retailer is also entitled to sell wine to a customer and deliver it in permissible containers to the customer on the licensed premises or to the customer's house.

(b) A wine retailer is not entitled to sell wine at wholesale. A wine retailer is not entitled to sell and deliver wine on the street or at the curb outside the licensed premises, nor is the wine retailer entitled to sell wine at a place other than the licensed premises. However, a wine retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A wine retailer is entitled to sell and deliver wine for carry out, or for at-home delivery. **A wine retailer that delivers wine to a customer's residence must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.**

(d) Notwithstanding IC 7.1-1-3-20, the licensed premises of the wine retailer may include the wine retailer parking lot or an area adjacent to the wine retailer that may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer, and may not be used for point of sale purposes or any other purpose. Any alcoholic beverages conveyed to the customer must be:

(1) in the sealed original containers and placed in a bag that is stamped, printed, or labeled on the outside: "CONTAINS ALCOHOLIC BEVERAGES"; and

(2) placed by an employee of the permittee who is at least twenty-one (21) years of age:

(A) in the trunk of the motor vehicle; or

(B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

A retailer permittee may only convey a customer's order of alcoholic beverages to the customer, if the customer has also purchased a meal from the retailer permittee that is conveyed to the customer at the same time as the alcoholic beverages.

(e) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(f) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

(1) well lit; and

(2) within clear view of the main entrance to the building of the retailer premises.

SECTION 14. IC 7.1-3-20-30, AS ADDED BY P.L.285-2019, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. (a) The definitions in section 29 of this chapter apply to this section.

(b) As used in this section, "vendor's permit" means a food hall vendor's permit issued to an individual vendor operating within the premises of a food hall for which a master permit is issued under section 29 of this chapter.

(c) The commission may issue a one-, two-, or three-way retailer's permit for on-premises consumption only to an applicant for a vendor's permit that has been approved by the commission to operate within a food hall. **However, a vendor to which section 31 of this chapter applies may also sell the alcoholic beverages set forth in section 31(c) of this chapter for off the premises consumption.** Each vendor that sells alcoholic beverages within the food hall must obtain a vendor's permit.

(d) Each vendor permittee must satisfy the following requirements:

(1) Each vendor permittee shall:

(A) maintain the vendor permittee's own retail merchant's certificate; and

(B) be responsible for the payment of the vendor permittee's own state gross retail taxes under IC 6-2.5 and withholding taxes required to be remitted under IC 6-3-4.

(2) Each vendor permittee shall conform to all health and safety requirements of local and state agencies.

(3) Each vendor permittee shall comply with all requirements under IC 7.1-5-9-15.

(4) Each vendor permittee shall comply with IC 7.1-5-10-20 with regard to the vendor permittee's own food and beverage vending space. However, IC 7.1-5-10-20 does not prohibit a vendor permittee from establishing sale prices for drinks that are different from the sale prices for comparable drinks that are set by other vendor permittees.

(5) Each vendor permittee is not required to comply with section 9(b) of this chapter.

(6) Each vendor permittee is responsible to the commission for any and all violations of alcohol laws and rules associated with the vendor's permit.

(7) Each applicant for a vendor's permit must comply with 905 IAC 1-36-1 and 905 IAC 1-36-2 and appear before the local alcohol board in the county in which the food hall vendor's permit will be situated. The local board shall only hear evidence on and determine the vendor's permit applicant's eligibility to hold a vendor's permit.

(8) Any vendor permittee that desires to relocate its food and beverage space within the food hall premises may relocate upon the commission's approval of a floor plan change.

(e) A vendor's permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(f) A vendor's permit may not be transferred to a location outside the permit premises of the food hall. A vendor's permit that is inactive for more than six (6) months shall revert back to the commission or may be deposited with the commission subject to the approval of the commission.

SECTION 15. IC 7.1-3-20-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. (a) **This section applies to the holder of a vendor's permit that owns in whole or in part:**

(1) a retailer's permit described in section 30(c) of this chapter; and

(2) one (1) of the following:

(A) A brewer's permit described in IC 7.1-3-2-7(5).

(B) A farm winery permit described in IC 7.1-3-12-3.

(C) An artisan distiller's permit described in IC 7.1-3-27.

(b) The definitions in sections 29 and 30 of this chapter apply to this section.

(c) A holder of a vendor's permit may sell for carryout at the premises for which the retailer's permit was issued:

(1) beer manufactured under the brewer's permit, if the vendor's permit holder has a one-, two-, or three-way retailer's permit;

(2) wine manufactured under the farm winery permit, if the vendor's permit holder has a two- or three-way retailer's permit; or

(3) liquor manufactured under the artisan distiller's permit, if the vendor's permit holder has a three-way retailer's permit.

SECTION 16. IC 7.1-3-21-11, AS AMENDED BY P.L.285-2019, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) **As used in this section "craft manufacturer" means:**

(1) a small brewery under IC 7.1-3-2-7(5);

(2) a farm winery under IC 7.1-3-12, including any additional locations of the farm winery operated under IC 7.1-3-12-5(b); or

(3) an artisan distillery under IC 7.1-3-27.

(b) As used in this section, "wall" means a wall of a

building. The term does not include a boundary wall.

(b) (c) Except as provided in subsections (e); (g); and (h); (d), (h), and (i), the commission may not issue a permit for a premises if:

(1) a wall of the premises is situated within two hundred (200) feet from a wall of a school or church; **and**

(2) if ~~no~~ a permit has **not** been issued for the premises under the provisions of Acts 1933, Chapter 80.

(c) (d) This section does not apply to the premises of a:

(1) grocery store, drug store, restaurant, hotel, catering hall, **craft manufacturer**, or location for which the use of a supplemental catering permit has been approved if:

(A) a wall of the premises is situated within two hundred (200) feet from a wall of a church or school;

(B) the commission receives a written statement from the authorized representative of the church or school stating expressly that the church or school does not object to the issuance of the permit for the premises; and

(C) the commission determines that the church or school does not object to the issuance of the permit for the premises; or

(2) church or school that applies for a temporary beer or wine permit.

(d) (e) The commission shall base its determination under subsection (c)(1)(C) (d)(1)(C) solely on the written statement of the authorized representative of the church or school.

(e) (f) If the commission does not receive the written statement of the authorized representative of the church or school, the premises of the grocery store, drug store, restaurant, hotel, catering hall, **craft manufacturer**, or location for which the use of a supplemental catering permit has been approved may not obtain the waiver allowed under this section.

(f) (g) If the commission determines that the church or school does not object, this section and IC 7.1-3-21-10 do not apply to the permit premises of the grocery store, drug store, restaurant, hotel, **craft manufacturer**, or catering hall on a subsequent renewal or transfer of ownership.

(g) (h) If the commission:

(1) receives a written statement from the authorized representative of a church or school as described in subsection (c)(1)(B); (d)(1)(B); and

(2) determines the church or school does not object as described in subsection (c)(1)(C); (d)(1)(C);

the commission may not consider subsequent objections from the church or school to the issuance of the same permit type at the same premises location.

(h) (i) The commission may issue a permit for a premises if the wall of the premises and the wall of a church are separated by at least eighty-five (85) feet, including a two (2) lane road of at least thirty (30) feet in width."

Page 4, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 19. IC 7.1-3-27-5 IS REPEALED [EFFECTIVE JULY 1, 2021]. See: 5: (a) Except as provided in section 7 of this chapter, an applicant for an artisan distiller's permit must meet all the following requirements to be eligible for an artisan distiller's permit:

(1) The permit applicant must hold one (1) of the following permits for the eighteen (18) months immediately preceding the date of the application:

(A) A farm winery permit under IC 7.1-3-12;

(B) A brewer's permit issued under IC 7.1-3-2-2(b);

(C) A distiller's permit under IC 7.1-3-7;

(2) The permit applicant may not have more than one (1) violation of this title during the eighteen (18) months immediately preceding the date of the application;

(3) The permit applicant may not have any violation of this title during the twelve (12) month period immediately preceding the date of the permit application:

(b) As used in this subsection, "qualifying permit" means a farm winery, brewer's, or distiller's permit under subsection (a)(1)(A); (a)(1)(B); or (a)(1)(C) that is required in order to hold an artisan distiller's permit. The same persons must directly or indirectly own and control more than fifty percent (50%) of the entity that holds the qualifying permit and the artisan distiller's permit.

SECTION 20. IC 7.1-3-27-7 IS REPEALED [EFFECTIVE JULY 1, 2021]. See: 7: (a) This section applies only to a person that, on January 1, 2014:

(1) holds the necessary permit or license from the United States to own or operate an establishment to manufacture liquor; and

(2) does not hold any of the permits listed in section 5(a)(1) of this chapter:

(b) A person must meet all the following requirements to be eligible for an artisan distiller's permit under this section:

(1) Any person (except for a person under subdivision (2)) who sells or furnishes liquor by the bottle or glass on the premises of the artisan distillery:

(A) must have held for at least three (3) years an employee permit under IC 7.1-3-18-9 that authorizes the person to perform bartending duties;

(B) must have completed any alcohol server program or alcohol server training program refresher courses required under IC 7.1-3-1.5; and

(C) may not have any violations under this title:

(2) The applicant for the artisan distiller's permit and any management representative of the applicant must complete an alcohol server program or a trainer program established or approved under IC 7.1-3-1.5-5.5 or IC 7.1-3-1.5-6 not more than one (1) year before the date of the application for the artisan distiller's permit.

(c) Except as provided in subsection (f)(2), the person may not be required to fulfill the requirements of section 5 of this chapter:

(d) If the person is issued an artisan distiller's permit under this section, the person must meet the following requirements for the period set forth in subsection (e):

(1) Any person selling or furnishing liquor on the premises of the artisan distillery (except for a person under subsection (b)(2)) must meet the requirements of subsection (b)(1);

(2) The holder of the artisan distiller's permit and any management representative of the holder of the artisan distiller's permit must successfully complete refresher courses under IC 7.1-3-1.5 not later than three (3) years after the date the holder or representative completes the initial server program or trainer program;

(e) A person who is issued an artisan distiller's permit under this section must meet the requirements in subsection (d) until the later of:

(1) three (3) years after the date on which the initial artisan distiller's permit is issued; or

(2) the date that the holder of the artisan distiller's permit has one (1) twelve (12) month period without a violation of this title.

(f) Upon fulfilling the requirements of subsections (d) and (e), a person who is issued an artisan distiller's permit under this section must meet the following requirements for as long as the person holds the permit:

(1) Any person who sells or furnishes liquor on the premises of the artisan distillery (except for a person under subsection (b)(2)) must have an employee permit under IC 7.1-3-18-9 and be otherwise authorized by the commission to perform bartending duties. However, the person is not required to:

(A) hold an employee bartending permit for three (3) years before selling or furnishing liquor; and

(B) not have any violations under this title.

(2) The holder of the artisan distiller's permit and any management representative of the holder of the artisan distiller's permit are subject to the same alcohol server training requirements and refresher course requirements as the holder of an artisan distiller's permit that meets the requirements of section 5 of this chapter.

SECTION 21. IC 7.1-3-27-8, AS AMENDED BY P.L.285-2019, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The holder of an artisan distiller's permit may do only the following:

(1) Manufacture liquor, including blending liquor purchased from another manufacturer with liquor the artisan distiller manufactures under section 11 of this chapter.

(2) Bottle liquor manufactured by the artisan distiller.

(3) Store liquor manufactured by the artisan distiller, including at a facility **located** within ten (10) miles of the artisan distiller's distillery.

(4) Transport, sell, and deliver liquor manufactured by the artisan distiller to:

(A) places outside Indiana; or

(B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.

(5) Sell liquor manufactured by the artisan distiller to consumers by the drink, bottle, or case from the **licensed** premises of the distillery where the liquor was manufactured. **Notwithstanding IC 7.1-1-3-20, the licensed premises may include the distillery parking lot or an area adjacent to the artisan distillery. The parking lot or adjacent area may only be used for the purpose of conveying alcoholic beverages and other nonalcoholic items to a customer subject to section 8.1 of this chapter and may not be used for point of sale purposes or any other purpose.**

(6) Serve complimentary samples of the liquor manufactured by the artisan distiller to consumers on the premises of the distillery where the liquor was manufactured.

(7) Sell liquor as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than four and five-tenths (4.5) liters.

(8) With the approval of the commission, participate:

(A) individually; or

(B) with other permit holders under this chapter, holders of farm winery permits, holders of brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this clause;

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. All of the permit holders may occupy the same tent, structure, or building. The commission may not grant to a holder of a permit under this chapter approval under this subdivision to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(9) Be the proprietor of a restaurant that is not subject to the minimum gross food sales or the minimum projected food sales set forth in 905 IAC 1-41-2 and the gross retail income requirements to sell carryout under IC 7.1-3-20-9.5. A holder is entitled to conduct the following activities:

(A) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant.

(B) Transfer liquor directly from the artisan distillery to a restaurant that the artisan distiller has an interest in by means of:

(i) bottles;

(ii) bulk containers; or

(iii) a continuous flow system.

(C) Install a window between the artisan distillery and an adjacent restaurant that allows the public and the

holder of the permit to view both premises.

(D) Install a doorway or other opening between the artisan distillery and an adjacent restaurant that provides the public and the holder of the permit with access to both the artisan distillery and restaurant.

(10) A holder that:

(A) does not distribute through an Indiana liquor wholesaler is entitled under the artisan distiller's permit to sell and deliver to a person holding a liquor retailer or liquor dealer permit under this title:

(i) a total of not more than one hundred (100) proof gallons of the artisan distillery's liquor in a calendar year, if the artisan distillery has taken not more than five hundred (500) proof gallons out of bond the previous calendar year;

(ii) a total of not more than two hundred (200) proof gallons of the artisan distillery's liquor in a calendar year, if the artisan distillery has taken more than five hundred (500) proof gallons out of bond and not more than one thousand (1,000) proof gallons out of bond the previous calendar year; or

(iii) a total of not more than three hundred (300) proof gallons of the artisan distillery's liquor in a calendar year, if the artisan distillery has taken more than one thousand (1,000) proof gallons out of bond and not more than one thousand five hundred (1,500) proof gallons out of bond the previous calendar year; or

(B) distributes through an Indiana liquor wholesaler is entitled under the artisan distiller's permit to sell and deliver to a person holding a liquor retailer or liquor dealer permit under this title the greater of:

(i) one hundred (100) proof gallons; or

(ii) fifty percent (50%) of the amount the permit holder distributed through an Indiana liquor wholesaler the previous calendar year, not to exceed three hundred (300) proof gallons.

(b) The holder of an artisan distiller's permit who provides samples or sells liquor by the glass must furnish the minimum food requirements prescribed by the commission.

(c) A storage facility used by an artisan distiller under subsection ~~(a)(3)~~ **(+)** **(a)(3)** must conform with federal laws, rules, and regulations. ~~and (2) must not be used for any purposes except for the storage of liquor.~~ **An artisan distiller may transfer liquor from a separate storage facility back to the artisan distillery. An artisan distiller may sell or transfer liquor directly to a liquor wholesaler from a storage facility that is separate from the artisan distillery. An artisan distiller may not sell or transfer liquor from a storage facility to any other permittee or a consumer. The artisan distiller shall maintain an adequate written record of the liquor transferred:**

(1) between the artisan distillery and the storage facility; and

(2) from the storage facility to the liquor wholesaler.

(d) The holder of an artisan distiller's permit may transport liquor to and from a brewery located within the same county for the purposes of carbonating and canning by the brewery. The activity under this subsection is not an interest under IC 7.1-5-9.

(e) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 22. IC 7.1-3-27-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 8.1. (a) This section applies to an artisan distillery that conveys alcoholic beverages to a customer in a parking lot or an area adjacent to the artisan distillery as provided under section 8(a)(5) of**

this chapter.

(b) **Liquor must be:**

- (1) in the sealed original containers; and
- (2) placed by an employee of the permittee who is at least twenty-one (21) years of age:
 - (A) in the trunk of the motor vehicle; or
 - (B) behind the last upright seat of the motor vehicle, if the motor vehicle is not equipped with a trunk.

(c) The employee of the permittee that conveys the alcoholic beverages to the customer must require the customer to provide proof of age in accordance with IC 7.1-5-10-23.

(d) The parking lot or area where the alcoholic beverages are conveyed to the customer must be:

- (1) well lit; and
- (2) within clear view of the main entrance to the building of the artisan distillery premises.

SECTION 23. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 28. Rye Whiskey

Sec. 1. As used in this chapter, "Indiana rye whiskey" means a liquor that was:

- (1) manufactured in Indiana;
- (2) produced with a mash bill that is at least fifty-one percent (51%) rye;
- (3) distilled to not more than one hundred sixty (160) proof or eighty percent (80%) alcohol by volume;
- (4) aged in new, charred white oak barrels;
- (5) placed in a barrel at not more than one hundred twenty-five (125) proof or sixty-two and one-half percent (62 1/2%) alcohol by volume;
- (6) rested in a rack house for at least two (2) years in Indiana; and
- (7) bottled at not less than eighty (80) proof or forty percent (40%) alcohol by volume.

Sec. 2. A person may not advertise, label, sell, or refer for marketing or sales purposes to liquor as:

- (1) Indiana rye;
- (2) Indiana rye whiskey;
- (3) Indiana rye whisky;
- (4) Indiana sweet mash rye whiskey;
- (5) Indiana sweet mash rye whisky;
- (6) Indiana sour mash rye whiskey; or
- (7) Indiana sour mash rye whisky;

unless the liquor meets the requirements of Indiana rye whiskey as set forth in section 1 of this chapter."

Page 5, after line 8, begin a new paragraph and insert:

"SECTION 25. IC 7.1-5-7-13, AS AMENDED BY P.L.270-2017, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) Section 12 of this chapter does not prohibit the following:

- (1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:
 - (A) selling;
 - (B) furnishing, other than serving;
 - (C) consuming; or
 - (D) otherwise dealing in;
 alcoholic beverages.
- (2) A person at least nineteen (19) years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment.
- (3) A person who is at least nineteen (19) years of age but less than twenty-one (21) years of age and who has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 from serving alcoholic

beverages in a dining area or family room of a restaurant or hotel:

- (A) in the course of a person's employment as a waiter, waitress, or server; and
- (B) under the supervision of a person who:
 - (i) is at least twenty-one (21) years of age;
 - (ii) is present at the restaurant or hotel; and
 - (iii) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender.

(4) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises if all the following apply:

- (A) The person is employed as an assistant on a delivery truck.
- (B) The person's duties with respect to alcoholic beverages are limited to handling alcoholic beverages in connection with the loading, unloading, stowing, or storing of alcoholic beverages that are being delivered or picked up.
- (C) The person does not sell, furnish, or deal in alcoholic beverages in any manner except as expressly permitted under clause (B).
- (D) The person acts under the supervision of a driver holding a salesman's permit.
- (E) The person does not collect money for the delivery or pick up.

(b) This chapter does not prohibit a person less than twenty-one (21) years of age from being on the premises of a brewery under IC 7.1-3-2-7(5), a farm winery, including any additional locations of the farm winery under IC 7.1-3-12-5, or an artisan distillery under ~~IC 7.1-3-27-5~~, IC 7.1-3-27-8, if the person is:

- (1) the child, stepchild, grandchild, nephew, or niece of an owner of the:
 - (A) brewery;
 - (B) farm winery; or
 - (C) artisan distiller; and
- (2) employed on the premises for a purpose other than:
 - (A) selling;
 - (B) furnishing, other than serving;
 - (C) consuming; or
 - (D) otherwise dealing in;
 alcoholic beverages.

A minor described in this subsection is not required to be accompanied by a parent, legal guardian or custodian, or family member who is at least twenty-one (21) years of age while on the premises of the brewery or farm winery.

SECTION 26. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 175 as printed January 29, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 352, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "notice provided to the office by an eligible" and insert "**notice that:**

- (1) is provided to the office by an eligible broadband service provider under the process established by the office under section 8.5 of this chapter; and
- (2) asserts that minimum broadband Internet is already deployed at a specific address with respect to which another eligible broadband service provider has submitted a letter of intent under the process established by the office under section 8.5 of this chapter."

Page 1, delete lines 5 through 8.

Page 1, line 12, delete "availability of eligible" and insert **"the availability of minimum broadband Internet at a location,"**.

Page 1, line 13, delete "broadband service at a location,".

Page 1, line 15, delete "an eligible broadband service connection" and insert **"minimum broadband Internet"**.

Page 2, line 2, delete "an eligible broadband service connection" and insert **"minimum broadband Internet"**.

Page 2, line 3, delete "an eligible broadband service" and insert **"minimum broadband Internet"**.

Page 2, line 4, delete "connection".

Page 2, line 6, delete "an eligible broadband service connection" and insert **"minimum broadband Internet"**.

Page 2, line 12, delete "Eligible broadband service" and insert **"Minimum broadband Internet"**.

Page 2, line 14, delete "the eligible broadband service" and insert **"minimum broadband Internet"**.

Page 2, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 3. IC 4-4-38.5-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. As used in this chapter, "minimum broadband Internet" means a connection to the Internet that provides an actual speed of at least twenty-five (25) megabits per second downstream and at least three (3) megabits per second upstream, regardless of the technology or medium used to provide the connection.

SECTION 4. IC 4-4-38.5-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) The office shall establish a process to be used before each formal request for the submission of grant applications by the office under this chapter. The process established by the office under this section must do the following:

- (1) Invite any prospective grant applicant to submit a letter of intent identifying all addresses and census blocks that the applicant intends to include in an application filed as part of the immediately forthcoming request for the submission of grant applications by the office.
- (2) Provide that the office will make all addresses and census blocks submitted in letters of intent under subdivision (1) publicly available for a period of time, to be determined by the office, during which eligible broadband service providers will have the opportunity to challenge a listed address or census block.
- (3) Provide that upon receiving a challenge from an eligible broadband service provider under subdivision (2), the office will:
 - (A) review all information received from the eligible broadband service provider and determine whether minimum broadband Internet:
 - (i) is deployed; or
 - (ii) will be deployed within eighteen (18) months; to the challenged address or census block; and
 - (B) determine whether the eligible broadband service provider's challenge is valid or invalid based on the office's review under clause (A).
- (4) Provide that if the office finds a challenge to an

address or a census block to be invalid under subdivision (3), the office will do the following:

(A) Provide to all eligible broadband service providers that challenged the address or census block timely written notice that:

- (i) indicates the office has determined the challenge to be invalid; and
- (ii) sets forth the reasons for the office's determination with such specificity as will enable each eligible broadband service provider that challenged the address or census block to review each reason and provide additional information to the office to support the eligible broadband service provider's challenge.

(B) Allow an eligible broadband service provider that receives notice under clause (A) a period of time, to be determined by the office, to provide further information to the office to support the eligible broadband service provider's challenge.

(C) Find an eligible broadband service provider's challenge valid if the office determines, based on additional information submitted under clause (B), that minimum broadband Internet:

- (i) is deployed; or
- (ii) will be deployed within eighteen (18) months; to the challenged address or census block.

(5) Provide that after the completion of the challenge process described in subdivisions (2) through (4), the office will notify prospective grant applicants that submitted a letter of intent under subdivision (1) of the census blocks and addresses that were not the subject of a valid challenge under subdivisions (2) through (4).

(b) Upon issuing a request for the submission of grant applications under this chapter, the office shall publish the results of the challenge process established under subsection (a).

(c) The process established by the office under this section with respect to:

- (1) letters of intent; and
- (2) challenges;

by prospective grant applicants must precede and remain distinct from the procedures set forth in section 9(g) of the chapter with respect to actual grant applications."

Delete pages 3 through 6.

Page 7, delete lines 1 through 31.

Page 12, line 15, delete "not require a" and insert **"require a private entity to agree, as a condition of the department leasing a right-of-way to the private entity, that facilities constructed or installed by the private entity in or under the right-of-way, which if removed would:**

- (1) cause irreparable soil disturbance; or
- (2) have a detrimental effect on the department's facilities or on the facilities of other utilities co-located in the right-of-way;

will be considered abandoned without additional consideration upon notice to the department. The private entity shall notify in writing the department of any abandonment not later than sixty (60) days after abandonment. Upon being abandoned under this section, a facility may no longer be used for any purpose by any public or private entity."

Page 12, delete lines 16 through 34.

Page 12, line 35, delete "As used in this" and insert **"The definitions in IC 4-4-38.5, as amended by this act, apply throughout this SECTION.**

(b) Not later than July 1, 2021, the office shall amend the guidelines adopted by the office under IC 4-4-38.5-10 to the extent necessary to establish the process set forth in IC 4-4-38.5-8.5, as added by this act, with respect to:

- (1) letters of intent; and
- (2) challenges;

by prospective grant applicants under IC 4-4-38.5, as amended by this act.

(c) **This SECTION expires January 1, 2022."**

Page 12, delete lines 36 through 42.

Page 13, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to SB 352 as printed February 19, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Page 2, line 14, after "infrastructure" insert "**that is**".

Page 2, line 14, after "services" insert "**and is located**".

Page 2, line 31, strike "(a)(2)," and insert "**(a)(4),**".

Page 2, line 34, after "infrastructure" insert "**that is**".

Page 2, line 35, after "services" insert "**and is**".

Page 2, line 39, after "discriminate" insert "**with respect to the following**".

Page 2, line 41, delete "rights-of-way" and insert "rights-of-way:".

Page 2, line 41, strike "for the following:".

Page 3, delete lines 24 through 42.

Delete pages 4 through 6.

(Reference is to SB 359 as reprinted February 19, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 377, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 11.

Page 12, delete lines 1 through 37, begin a new paragraph and insert:

"SECTION 1. IC 4-4-38.5-10.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.6. (a) If the office determines that a county has achieved broadband Internet connectivity for at least ninety percent (90%) of the county's residents before January 1, 2026, the office may certify the county as 21st Century Connected.**

(b) The office may allocate to each county certified as 21st Century Connected fifty thousand dollars (\$50,000) from the fund for the provision of digital literacy programs in the county.

(c) For purposes of this section, a digital literacy program may:

(1) include instruction in:

(A) basic, intermediate, and advanced computing skills;

(B) online research;

(C) online personal and data security; and

(D) other subjects the office or a county considers

appropriate to the goal of advancing the digital literacy of Indiana residents; and

(2) be offered through or in collaboration with Indiana elementary and secondary schools, colleges and universities, and libraries.

SECTION 2. IC 4-4-38.5-11, AS ADDED BY P.L.189-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) The rural broadband fund is established for the purpose of:**

(1) awarding grants under:

(1) (A) this chapter after July 31, 2019; and

(2) (B) IC 4-4-38 before August 1, 2019;

(2) allocating funds under section 10.6(b) of this chapter for the provision of digital literacy programs in counties certified as 21st Century Connected under section 10.6(a) of this chapter;

(3) providing funding for the creation and annual maintenance of the public broadband portal created and administered by the office under IC 4-4-41-8; and

(4) awarding grants under the Indiana broadband connectivity program under IC 4-4-41.

(b) The office shall administer the fund.

(c) The fund consists of:

(1) money appropriated by the general assembly;

(2) money received by the office from federal grants or programs for broadband infrastructure; and

(3) donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for the purposes of this chapter and IC 4-4-38.

SECTION 3. IC 4-4-41 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 41. Indiana Broadband Connectivity Program

Sec. 1. As used in this chapter, "broadband Internet" means a connection to the Internet that provides an actual speed of at least fifty (50) megabits per second downstream and at least five (5) megabits per second upstream, regardless of the technology or medium used to provide the connection.

Sec. 2. As used in this chapter, "fund" refers to the rural broadband fund established by IC 4-4-38.5-11.

Sec. 3. As used in this chapter, "minimum broadband Internet" means a connection to the Internet that provides an actual speed of at least twenty-five (25) megabits per second downstream and at least three (3) megabits per second upstream, regardless of the technology or medium used to provide the connection.

Sec. 4. As used in this chapter, "office" refers to the office of community and rural affairs established by IC 4-4-9.7-4.

Sec. 5. As used in this chapter, "program" refers to the Indiana broadband connectivity program established by section 7 of this chapter.

Sec. 6. As used in this chapter, "registered provider" means a company, firm, corporation, partnership, or association that provides broadband Internet service in Indiana and that has registered with the program under section 8 of this chapter.

Sec. 7. (a) The Indiana broadband connectivity program is established for the purpose of expanding the availability of broadband Internet connectivity throughout Indiana by:

(1) connecting Indiana residents and businesses that lack access to broadband Internet service with providers of broadband Internet service through the public broadband portal created under section 8 of this chapter; and

(2) providing funding under section 9 of this chapter to assist broadband Internet providers in meeting the expense of extending broadband Internet service to addresses at which minimum broadband Internet service is unavailable.

(b) The office shall administer the program.

Sec. 8. (a) The office shall contact broadband Internet providers to solicit the providers' registration with the program. The office shall not:

(1) require a provider to provide any proprietary business information to the office for purposes of participating in the program; or

(2) require a provider to participate in the program.

(b) The office shall create and administer a public broadband portal:

(1) that is accessible to individuals through the office's Internet web site and through a mailing address designated by the office for the purpose of public access to the portal; and

(2) through which an individual may submit the individual's residential or business address to report that minimum broadband Internet connectivity is unavailable at the address.

The public broadband portal created and administered by the office under this section must solicit information as to whether one (1) or more eligible students reside at an address that is reported by an individual under subdivision (2). The office may contract or consult with one (1) or more third parties in the creation or administration of the public broadband portal required by this section.

(c) At least every three (3) months, the office shall:

(1) post addresses, including ZIP codes and any reported information as to whether an eligible student resides at an address, submitted under subsection (b)(2) to an Internet web site that is accessible only to registered providers; and

(2) not less than twenty-four (24) hours after the addresses are posted, send notice of the posting to registered providers by electronic mail.

(d) Not later than ten (10) business days after a registered provider receives notice of a posting of addresses under subsection (c), the registered provider may provide notice to the office of any posted address at which the registered provider's minimum broadband Internet service is available.

(e) If the office does not receive notice under subsection (d) regarding an address within ten (10) business days after posting the address under subsection (c), the office shall, not later than twenty (20) business days after the expiration of the ten (10) business day period described in subsection (d), transmit to each registered provider a bid notification for provision of broadband Internet service at the address.

(f) A registered provider that receives a bid notification for an address under subsection (e) and wishes to submit a bid for provision of broadband Internet service to the address must, not later than sixty (60) days after receiving the bid notification, send to the office a bid that includes:

(1) a proposal for making a line extension from the provider's existing broadband Internet infrastructure to the address;

(2) an estimate of the state's share of the cost for the line extension; and

(3) a statement of the amount of the cost of the line extension that the provider agrees to bear.

(g) The office shall, not later than thirty (30) business days after the close of the sixty (60) day bidding period for an address under subsection (f), evaluate the bids received and select the provider whose bid presents the lowest cost to the state for extension of the provider's broadband Internet infrastructure to the address.

(h) As used in this section, "eligible student" means a student who is:

(1) a resident of Indiana;

(2) less than twenty-three (23) years of age; and

(3) enrolled in a school in Indiana providing any combination of kindergarten through grade 12 instruction.

Sec. 9. (a) The office shall:

(1) award a grant from the fund to a provider selected by the office under section 8(g) of this chapter to extend broadband Internet service to an address; and

(2) enter into an agreement with the provider under which:

(A) the provider agrees to extend broadband Internet service to the address; and

(B) the office agrees to distribute the amount of the grant to the provider upon the provider's satisfactory completion of extension of broadband Internet service to the address and the provider's submission of:

(i) an invoice for the provider's expenses in extending broadband Internet service to the address; and

(ii) a statement that broadband Internet service is now available at the address.

(b) The amount of a grant under this section may not exceed the following:

(1) A per-line extension amount that exceeds twenty-five thousand dollars (\$25,000), regardless of the number of addresses served by the line extension.

(2) A per-passing amount that exceeds the state's cost per passing for all grants awarded from the fund under IC 4-4-38.5 as of the last day of the immediately preceding state fiscal year, as calculated by the office.

Sec. 10. (a) Not later than November 1 of each year, the office shall:

(1) issue to the executive director of the legislative services agency, for distribution to the members of the general assembly convening in November of that year; and

(2) post to the office's Internet web site; a report regarding the program.

(b) The report under subsection (a) must include the following information with regard to the immediately preceding calendar year:

(1) The number of addresses submitted under section 8(b)(2) of this chapter:

(A) in total; and

(B) categorized by the Indiana legislative district in which the address is located.

(2) The number of grants, and the amount of the grants, awarded under this chapter:

(A) in total; and

(B) categorized by the Indiana legislative district in which the grant was used to extend broadband Internet service.

(c) The report issued under subsection (a)(1) must be in an electronic format under IC 5-14-6.

Sec. 11. The office shall adopt rules under IC 4-22-2 necessary for the administration of this chapter. In adopting the rules required by this section, the office may adopt emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the office under this section and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the office under IC 4-22-2-24 through IC 4-22-2-36."

Page 13, after line 34, begin a new paragraph and insert:

"SECTION 5. **An emergency is declared for this act.**"
 Renumber all SECTIONS consecutively.
 (Reference is to SB 377 as printed February 19, 2021.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 12, nays 0.

SOLIDAY, Chair

Report adopted.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1033, 1068, 1079, 1152, 1156, 1201, 1230, 1256, 1271, 1384, 1407 and 1564 on March 29.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 91, 93, 35, 152, 201, 276 and 329 on March 29.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Olthoff be added as cosponsor of Engrossed Senate Bill 3.

LINDAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as cosponsor of Engrossed Senate Bill 54.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Mayfield and Austin be removed as cosponsors of Engrossed Senate Bill 144.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere and Moed be added as cosponsors of Engrossed Senate Bill 175.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Ledbetter be added as cosponsor of Engrossed Senate Bill 218.

PRESSEL

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hatcher be added as cosponsor of Engrossed Senate Bill 275.

BROWN T.

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter, M. Bauer and DeLaney be added as cosponsors of Engrossed Senate Bill 383.

BROWN T.

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bartels and Andrade be added as cosponsors of Engrossed Senate Bill 396.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heaton be added as cosponsor of Engrossed Senate Bill 416.

MORRISON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Zent and Jordan be added as coauthors of House Concurrent Resolution 18.

PRESCOTT

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1040, 1438 and 1485 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 17 and 18 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative Jackson, the House adjourned at 3:57 p.m., this twenty-ninth day of March, 2021, until Tuesday, March 30, 2021, at 1:30 p.m.

TODD M. HUSTON

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives